

Volume: 1
Pages: 1-126
Exhibits: 1-3

 **ORIGINAL**

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

NO. 03-CV-12359 MLW

CIRIACO PUCILLO,
Plaintiff,

VS.

VALMET CONVERTING, INC.,
Defendants.

DEPOSITION OF MICHAEL K. GRADY, taken on
behalf of the Plaintiff, pursuant to the Applicable
Provisions of the Massachusetts Rules of Civil
Procedure, before Isolde von Handorf-Choquet, a
Registered Professional Reporter and Notary Public
in and for the Commonwealth of Massachusetts, at
Law Offices of Maureen Counihan, 67 South Bedford
Street, Suite 400 West, Burlington, Massachusetts
01803, on Friday, March 24, 2006, commencing at
2:07 p.m.

JAMES P. GIBBONS
Registered Professional Reporters
One Courthouse Way, Boston, Mass. 02110
(617) 428-0402

1 number.

2 Q. Do you know the part number for that particular
3 drive board?

4 A. I do, if I look at the drawings.

5 Q. And, that part number would be a standard part
6 number?

7 A. Oh, yeah.

8 MR. KELLEHER: It would be a part number
9 for a standard part; because the number would be
10 different for every part. It wouldn't be a
11 standard part number, because the number would be
12 different for every different part.

13 Q. It's not a standard part number meaning, it's a
14 unique number for that particular part, correct?

15 A. Yes.

16 Q. The part is a standard part?

17 A. The standard part has a standard part model
18 number. Every one of them may also have a unique
19 serial number, but there is no difference between
20 them.

21 Q. Correct.

22 A. Except for the serial number.

23 Q. Correct. In your scenario that some entity in
24 South Carolina would get these boards from

1 someone upstream and supply them to Proma or Van
2 Leer, where in that chain, is it your
3 understanding, that that switch would be set
4 initially?

5 A. The end user.

6 Q. Well, I think you said it came set in some
7 position -- possibly not the correct position,
8 but it came set in some position?

9 A. Well, it's set in some position, because it can't
10 not be set in some position. It's just the way
11 it is.

12 Q. Well, I thought you said, it could be not set in
13 any position, floating?

14 A. Well, that's a position.

15 Q. But my question is, who sets that position or
16 non-position initially? Is that somebody at
17 Infranor or someone in South Carolina?

18 A. Whoever - wherever it comes off the assembly
19 line, when it gets to the end of the assembly
20 line, that switch is in a position or no
21 position. At that point, it's a model such and
22 such. It has a distinct part number. Only the
23 end user knows -- when it comes off the assembly
24 line, they don't know where it's going. They

1 don't know if it's going into an M55 or an M59.
2 Maybe it has some other applications that we
3 don't know about. The people who install it have
4 to set it up. They have to set up the switch.
5 They have to verify that every part is set in the
6 right position before it's installed.

7 Q. All right. When you were talking about when it
8 comes off the assembly line, they don't know
9 where that part is going to end up, am I correct?

10 A. Yes.

11 Q. Do you have any experience with circumstances,
12 where before it is sent to the end user, someone
13 knows exactly where that is going to end up and
14 for what application?

15 A. I don't think that happens.

16 Q. Were you given any information about the process
17 by which Proma would order these parts, other
18 than what you testified to?

19 A. No.

20 Q. Did you read any of the deposition transcripts,
21 or were you provided with any information
22 relative to the deposition transcripts of the
23 individuals down in South Carolina?

24 A. I only read the depositions that are in front of

1 me.

2 Q. So, did you, at any time during any of the review
3 of the material, come to an understanding that
4 parts -- component parts for the Atlas slitter
5 were ordered by a contract number; does that
6 sound familiar?

7 A. No.

8 Q. Have you ever, in your experience, had a
9 situation where parts are ordered by a contract
10 number referencing a particular piece of
11 machinery, instead of a part number?

12 A. No.

13 Q. In general then, when an electrician installs a
14 piece of electrical equipment, such as a drive
15 board, what is the process that they would follow
16 in order to install that piece of equipment?

17 A. They would take a part and look it over and then
18 figure out how to install it.

19 Q. You know, before I go to that, I'm going to go a
20 little bit further with the contract. Have you
21 ever seen this document?

22 A. No.

23 Q. Am I correct that that is the operating
24 instructions for this Atlas slitter?

1 A. It's for an Atlas slitter rewinder, but I don't
2 know -- I don't know which one it's for. I've
3 never seen it.

4 Q. Am I correct that this document indicates Atlas
5 contract numbers 92036, correct?

6 A. Yes.

7 Q. And in any of the documents that you reviewed,
8 did you find any reference to that particular
9 contract number as pertaining to this piece of
10 equipment?

11 A. Not that I noticed.

12 Q. And, I know I asked you about information you
13 have relative to the purchase of component parts,
14 but have you had any experience in ordering
15 component parts where the contract number would
16 be provided to the supplier or the manufacturer
17 of the component part, and they would make
18 modifications to the component part before
19 sending it to you?

20 A. That's never happened to me.

21 Q. Are you an expert, then, in an area of the
22 procedures to be followed with respect to the
23 installation of non-standard component parts for
24 a specific application?

1 MR. KELLEHER: Objection. I don't
2 understand the question.

3 A. You confused me when you said non-standard, I got
4 stuck on that word, because we're talking about a
5 standard part.

6 Q. Well, in your experience, have you -- am I
7 correct that you said that you have no experience
8 in dealing with a part that is not a standard
9 part, that is designed specifically for a unique
10 application and would be ordered in a unique --
11 strike that. Let me start again. I just want to
12 make sure I understand correctly what you have
13 said about what your experience is with respect
14 to ordering component parts that may be modified
15 by a manufacturer or supplier prior to being sent
16 to the end user?

17 MR. KELLEHER: I just want to object. I
18 think his testimony is, he doesn't order parts.
19 He calls the contractor or calls the owner, and
20 says, get me one. I think, he testified he
21 doesn't do the ordering.

22 Q. And that's correct, you don't do the ordering,
23 correct?

24 A. Right.